

**Commonwealth of Massachusetts
Executive Office of Health and Human Services**

NOTICE OF PUBLIC HEARING

Pursuant to the authority of M.G.L. c. 118E and in accordance with M.G.L. c. 30A, two public hearings will be held remotely on Friday, November 20, 2020, each at the respective time relative to the adoption of amendments to:

1. 9:30 a.m.: 101 CMR 420.00: Rates for Adult Long-Term Residential Services. M.G.L. Chapter 118E, Section 13D, requires EOHHS to establish by regulation and biennially update rates to be paid by governmental units to providers of social service programs. In accordance with this statutory requirement, the amendments to 101 CMR 420.00 update the rates to be paid by governmental units for adult long-term residential occupancy services to include a cost adjustment factor (CAF) of 1.78%. The CAF was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Fall 2019 Forecast, optimistic scenario data. The CAF reflects the period between the rates' base period (Calendar Year 2020 Q2) and the prospective period fiscal years 2021 and 2022. Furthermore, two additional occupancy rates have been established to apply more accurately to efficient or matured sites. The proposed amendments to 101 CMR 420.00 also include the addition of two add-on rates effective July 1, 2020. The first is a 2% bridge funding add-on rate to supplement the operational rates during the period from July 1, 2020, through December 31, 2020, prior to the implementation of the revised rate structure described further below. The second is an add-on rate of 3.25% for day staffing. The day staffing add-on rate is to support the daytime staffing and related expenses incurred when supporting individuals who are home during the day due to day program closures, reduced program capacity, transportation issues, and/or health and safety considerations resulting from the COVID-19 public health emergency.

This proposed amended regulation is planned to go into effect no sooner than July 1, 2020. There is no fiscal impact to cities and towns.

2. 11:30 a.m.: 101 CMR 346.00: Rates for Certain Substance-Related and Addictive Disorders Programs. M.G.L. Chapter 118E, Section 13D, requires EOHHS to establish by regulation and biennially update rates to be paid by governmental units to providers of social service programs. In accordance with this statutory requirement, the proposed amendments to 101 CMR 346.00 update the rates to be paid by governmental units for ambulatory, recovery coach, and supportive case management substance-related and addictive disorders services with rates governed by this regulation. The proposed amendments to these rates include an increase by a cost adjustment factor (CAF) of 2.40%. The model budgets for these services have been updated to incorporate an employer and employee contribution required by the Massachusetts paid family and medical leave law. As part of the workforce initiative, the staff salaries for the clinical, nursing, and direct care staff positions have been benchmarked to the most recent Massachusetts Bureau of Labor Statistics (BLS) median wages for 2018, the tax and fringe rate has been benchmarked to 22.40%, and the administrative allocation has been benchmarked to 12%.

The total estimated annual cost to state government from the addition of the rate being established via the proposed amendments to this regulation is \$1,904,169.40, of which \$1,459,702.63 represents the estimated annual aggregate expenditures for Medicaid-covered services provided to MassHealth members, and of that, \$697,903.63 in annual aggregate expenditures is attributable to Medicaid-covered state plan services provided to MassHealth members. The actual annualized expenditures may vary depending on actual utilization of



services. This proposed amended regulation is planned to go into effect no sooner than January 1, 2021. There is no fiscal impact to cities and towns.

Due to the coronavirus emergency, EOHHS is holding this public hearing remotely on the date and time specified above. To join the remote hearing online, go to <https://statema.webex.com>, and enter meeting ID 644 151 469. To join the remote hearing by phone, call (866) 692-3580, and enter meeting ID 644 151 469# when prompted. As an alternative to attending the remote hearing, you can view an unofficial live written recording of the hearing in progress provided by the Communication Access Realtime Transcription (CART) service at <https://hricart.1capapp.com/event/eohhs>.

Individuals who notify EOHHS of their intent to testify at the hearing will be afforded an earlier opportunity to speak. Speakers are strongly encouraged to notify EOHHS of their intention to testify at the hearing by registering online at www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings. Individuals may also submit written testimony by emailing ehs-regulations@state.ma.us. Please submit electronic testimony as an attached Word document or as text within the body of the email with the name of the regulation in the subject line. All submissions must include the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit testimony by email should mail written testimony to EOHHS, c/o D. Briggs, 100 Hancock Street, 6th Floor, Quincy, MA 02171. Written testimony must be submitted by 5:00 p.m. on Friday, November 20, 2020.

All persons desiring to review the current draft of the proposed actions may go to www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings or request a copy in writing from MassHealth Publications, 100 Hancock Street, 6th Floor, Quincy, MA 02171. To view or download related supporting materials, go to www.mass.gov/service-details/proposed-regulations-supporting-materials.

Special accommodation requests may be directed to the Disability Accommodations Ombudsman by email at ADAAccommodations@state.ma.us or by phone at (617) 847-3468 (TTY: (617) 847-3788 for people who are deaf, hard of hearing, or speech disabled). Please allow two weeks to schedule sign language interpreters.

EOHHS may adopt a revised version of the proposed actions taking into account relevant comments and any other practical alternatives that come to its attention.

In case of inclement weather or other emergency, hearing cancellation announcements will be posted on the MassHealth website at www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings.

October 30, 2020